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MINISTRY OF LAW

New Delhi, the 12th September, 1951

The following President's Act enacted on the 12th September, 1951, is published for general information:—

THE PUNJAB SECURITY OF THE STATE ACT, 1951

No. I of 1951

An Act to provide for special measures to prevent activities prejudicial to the security of the State or the maintenance of public order.

[12th September, 1951]

In exercise of the powers conferred by section 8 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Punjab Security of the State Act, 1951.

(2) It extends to the whole of the State of Punjab.

(3) It shall come into force on the 13th day of September, 1951.

2. Sabotage.—(1) No person shall do any act with intent to impair the efficiency or impede the working of, or to cause damage to,—

(a) any building, vehicle, vessel, machinery, apparatus, or other property used, or intended to be used, for the purposes of Government or of any local authority;

(b) any railway, tramway, road, canal, bridge, culvert, causeway, aerodrome, telegraph, telegraph line or telegraph post;

(c) any rolling-stock of a railway or tramway or any aircraft; or

(d) any building or other property used in connection with any industry, business or establishment of the nature specified in the Schedule.

(2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty,

either to the Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person approaches or is in the neighbourhood of any such building, place or property as is mentioned in sub-section (1) in circumstances which afford reason to believe that he intends to contravene that sub-section, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes or attempts to contravene any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Explanation.—No person shall be deemed to have contravened or attempted to have contravened the provisions of this section if he commences, continues, acts in furtherance of, or omits to do anything in pursuance of, a strike which is not illegal under any law for the time being in force.

3. Quasi-military organisations.—(1) No person shall take part in the organisation, control, management or training of, or be a member of, any body of persons organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use or display of force or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

4. Power to prohibit drilling.—The District Magistrate, if satisfied that it is necessary so to do in the interests of the security of the State or for the maintenance of public order, may, by order in writing, prohibit in any area specified in the order, either absolutely or subject to exceptions contained in the order, the practice of, or participation in, any exercise, movement, evolution or drill which is either of a military nature or involves the use, or preparation for the use, of weapons of offence.

5. Wearing or display of uniforms, flags, etc.—(1) No person shall make or have in his possession, or wear, carry or display, any uniform, flag, banner or emblem which has been declared by the State Government by notification in the Official Gazette to signify association with a movement prejudicial to the security of the State or the maintenance of public order.

(2) Any such uniform, flag, banner or emblem wherever found shall be forfeited to Government.

(3) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

6. Power to prohibit meetings and processions.—The District Magistrate, if satisfied that it is necessary so to do for the maintenance of public order, may, by order in writing, prohibit within such area and during such period as may be specified in the order,—

(a) the holding of any procession or demonstration in any public place;

(b) the holding of any public meeting;

(c) the carrying in public of anything capable of use as a weapon of offence.

Explanation.—For the purpose of this section, a public meeting is any meeting which is open to the public or to any class or portion of the public, and a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto is restricted by ticket or otherwise.

7. Power to restrict movements of persons.—(1) The State Government or a District Magistrate, if satisfied with respect to any particular person that, with a view to preventing him from acting in any manner prejudicial to the interests of the general public, it is necessary so to do, may by order in writing, give one or more of the following directions, *viz.*, that such person—

(a) shall not enter, reside or remain in any area that may be specified in the order;

(b) shall reside or remain in any area that may be specified in the order;

(c) shall remove himself from, and shall not return to, any area that may be specified in the order;

(d) shall notify his movements or report himself, or do both, in such manner and at such times and to such authority or person as may be specified in the order.

(2) An order made under sub-section (1) (hereinafter referred to as a restriction order) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of the restrictions or conditions specified in the order.

(3) No restriction order shall be operative for more than—

(a) one month, if made by a District Magistrate, and

(b) one year, if made by the State Government.

(4) The State Government may at any time cancel or modify any restriction order made by a District Magistrate.

(5) An order made under clause (a) or clause (c) of sub-section (1) may, if made by the State Government, specify as the area to which the order relates the whole State or any part thereof only and, if made by the District Magistrate, specify as such area the whole or any part of the district only:

Provided that no such order made by the State Government shall direct the exclusion or removal from the State of any person ordinarily resident in the State; and no such order made by the District Magistrate shall direct the exclusion or removal from the district of any person ordinarily resident in the district.

(6) As soon as may be after a restriction order is made, the authority making the order shall communicate to the person against whom the order is made, so far as such communication can be made without disclosing facts likely to endanger public safety or the security of the State, the grounds on which the order has been made and such other particulars as are in its opinion adequate to enable him to make a representation to the State

Government against the order, and inform him of his right to make such representation and shall afford him the earliest opportunity of doing so.

(7) When the restriction order is made by a District Magistrate, he shall forthwith report to the State Government that the order has been made, the grounds on which it has been made and such other particulars as, in his opinion, have a bearing on the case.

(8) On receipt of a representation from the person against whom a restriction order has been made, the State Government shall, as soon as may be, place it before the Advisory Council constituted under sub-section (9) together with the grounds on which it has been made.

(9) The State Government shall constitute an Advisory Council consisting of a Chairman and two other members all of whom shall be persons who are or have been, or are qualified to be appointed as, Judges of a High Court.

(10) The Advisory Council shall, after considering the material placed before it and, if necessary, after calling for such further information from the State Government or from the person concerned as it may deem necessary, submit its report to the State Government within thirty days from the date on which a representation is placed before it.

(11) After considering the report of the Advisory Council, the State Government may confirm, modify or cancel the restriction order.

(12) All particulars contained in any correspondence between the State Government and the Advisory Council and the report made by the latter shall be confidential and, notwithstanding anything contained in any law for the time being in force, no court shall be entitled to require any public servant to produce before it any of the aforesaid documents.

8. Possession or conveyance of proscribed documents.—(1) Whoever, without lawful authority—

(a) has in his possession, or on premises in his occupation or under his control, or

(b) carries for delivery to another person otherwise than through the post,

any document the importation of which has been prohibited under the Sea Customs Act, 1878, or in respect of which an order of forfeiture has been made under any law for the time being in force, shall, unless he proves that he was unaware of the nature of the document, be punishable with imprisonment which may extend to one year, or with fine, or with both.

(2) Whoever allows his name or address to be used in order to facilitate transmission, through the post or otherwise, to any person other than the person for whom it purports to be intended, of any document of the nature described in sub-section (1), shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

9. Imposition of collective fines in dangerously disturbed areas.—(1) The State Government may, by notification in the Official Gazette, declare the whole or any part of the State to be a dangerously disturbed area.

(2) The State Government or the District Magistrate if satisfied that the inhabitants of any dangerously disturbed area—

(a) are concerned in the commission of offences or other acts which are prejudicial to the security of the State, the maintenance of law and order, the public safety or the public revenues, or

(b) have been harbouring persons concerned in the commission of such offences or acts,

may forthwith impose a collective fine on the inhabitants of that area.

(3) An order made by the District Magistrate under sub-section (2) shall be reported forthwith by him through the Commissioner of the Division to the State Government, and the State Government may thereupon amend, vary or rescind such order.

(4) The authority imposing the fine under sub-section (2) may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(5) The District Magistrate, after such enquiry as he may deem necessary, shall apportion the fine imposed under sub-section (2) among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

(6) (i) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

(ii) Without prejudice to the generality of the foregoing power, and in particular, the District Magistrate may forthwith recover such fine payable by any person by seizure and sale of his entire moveable property and uncut or ungathered crops.

Explanation.—For the purposes of this section, 'the inhabitants' of an area includes persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

10. Power to photograph, etc., arrested persons.—(1) The State Government or other authority making an arrest or directing the arrest of a person under the Act may, by order in writing direct that the arrested person shall—

(a) allow himself to be photographed;

(b) allow his finger and thumb-impressions to be taken; and

(c) furnish specimens of his handwriting and signature.

(2) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

11. Power to give effect to orders, etc.—(1) Any authority, officer or person who is empowered by or in pursuance of this Act to make any order or to exercise any other power may, in addition to any other action prescribed by or under this Act, take, or cause to be taken, such steps

and use or cause to be used, such force as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of such order, or for the effective exercise of such power.

(2) Where in respect of any of the provisions of this Act there is no authority, officer or person empowered to take action under sub-section (1), the State Government may take, or cause to be taken, such steps and use, or cause to be used, such force as may in the opinion of the Government, be reasonably necessary for securing compliance with or for preventing or rectifying any breach of such provision.

(3) For the avoidance of doubt, it is hereby declared that the power to take steps under sub-section (1) or under sub-section (2) includes the power to enter upon any land or other property whatsoever.

12. Powers of search.—(1) Any authority on whom any power is conferred by or under this Act may, by general or special order, authorise any person to enter and search any place, the search of which such authority has reason to believe to be necessary for the purpose of—

(a) ascertaining whether it is necessary or expedient to exercise such power; or

(b) ascertaining whether any order given, direction made, or condition prescribed in the exercise of such power has been duly complied with; or

(c) generally giving effect to such power or securing compliance with or giving effect to any order given, direction made or condition prescribed in the exercise of such power.

(2) The power to issue search warrants conferred by section 98 of the Code of Criminal Procedure, 1898, shall be deemed to include the power to issue warrants for—

(a) the search of any place in which any magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the security of the State, the maintenance of public order or the interests of the general public has been, is being, or is about to be, committed, or that preparation for the commission of any such offence or act is being made;

(b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used or is intended to be used for any purpose mentioned in that clause;

and the provisions of the said Code shall, so far as may be, apply to searches made under the authority of any warrant issued and to the disposal of any property seized under this section.

13. Offences under the Act to be cognizable and non-bailable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences punishable under this Act shall be cognizable and non-bailable.

14. Operation of other penal laws not barred.—Nothing contained in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence punishable under this Act.

15. Protection of action taken under this Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under, or in pursuance of, this Act.

(2) No suit or other legal proceedings shall lie against the State Government or, except with the sanction of the State Government, against any of its officers, for any damage caused or likely to be caused by anything in good faith done or intended to be done under, or in pursuance of, this Act.

16. Repeal and savings.—The East Punjab Public Safety Act, 1949 (East Punjab Act No. V of 1949) and the East Punjab Public Safety (Amendment) Ordinance, 1951 (No. V of 1951) are hereby repealed; but notwithstanding such repeal, any order made, notification or direction issued, appointment made or action taken under the said Act, and in force immediately before the commencement of this Act, shall, in so far as it is not inconsistent with therewith, continue in force and be deemed to have been made, issued or taken under the corresponding provisions of this Act.

THE SCHEDULE

[See section 2(1)(d)]

All undertakings relating to—

(a) the maintenance and working of naval, military and air force works, railways, air transport including aerodromes, canals, inland water transport, road transport, telegraph, telephone, broadcasting and postal services, hospitals and services connected with the safeguarding of the public health, mines, fire-brigades, printing presses;

(b) the manufacture, storage, or distribution of stores or equipment required by Government for its departments or services;

(c) any system of public conservancy or sanitation;

(d) the upkeep of roads and bridges;

(e) any industry, business or establishment engaged in the production or supply to the public of light, heat, power, water or motive fuel; or

(f) any industry, business or establishment engaged in the production or supply to the public of any commodity of general use.

RAJENDRA PRASAD,

President.

K. V. K. SUNDARAM,

Secy. to the Govt. of India.

Reasons for the enactment.

The East Punjab Public Safety Act, 1949 expires on the 14th September 1951. Conditions in the State, however, are not yet normal or free from difficulty; and it is considered that some of the powers contained in the

Act should continue to be available to Government. With this end in view the President has enacted the Punjab Security of the State Act, 1951. Opportunity has been taken to bring the provisions of the Punjab Public Safety Act, 1949, into conformity with the Constitution, and to discarding provisions which are either unnecessary or considered to be more stringent than the requirements of the existing situation justify. The Act is now limited to those provisions which are considered essential for the maintenance of law and order.

H. V. R. IENGAR,
Secy. to the Govt. of India,
Ministry of Home Affairs.